THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.3412 of 2006

Date: 23-02-2006

Between:

1.Mohammed Ibrahim, and 4 others. …Petitioners

and

1.The District Collector, Nizamabad,

Nizamabad District, and 2 others. …Respondents

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in interfereing with the possession of the petitioners in respect of the lands covered by sale deeds dated 19-02-2003, 22-02-2003, 08-07-2004 and 07-03-2005 situated at Jankampet Maktha Village, Yedpally Mandal, Nizamabad District, without due process of law, as arbitrary and illegal, and consequently, to direct the respondents not to interfere with the possession of the petitioners in respect of the said lands.

The brief facts of the case are as follows:

Petitioners are the absolute owners and possessors of the lands in Survey Nos.596, 596/16 and 597 situated at Jankampet Maktha Village, Yedpally Mandal, Nizamabad District. Certain lands in Survey Nos.658, 683/5, 683/6, 683/7, 686/1, 686/2, 687, 688 & 696 situated at Jankampet Maktha Village, Yedpally Mandal, Nizamabad District, were notified for acquisition for the public purpose of 'Approach Channel Pump House No.3 and Electrical Sub-station, Alisagar Lift Irrigation'. The grievance of the petitioners is that though their lands are not part of the said notification, the respondents have started excavating their lands, without initiating

any proceedings under the Land Acquisition Act. Hence, the Writ Petition.

Heard learned Counsel for the parties and perused the entire material available on record.

The main grievance of the petitioners is that the respondents started excavating their lands, without following the due process of law. The questions as to, whether the petitioners are the real owners of the said lands or not, whether their names are mutated in the revenue records or not and whether the said lands are covered by the impugned notification or not, are the matters to be decided by the authorities and not at this stage of the proceedings. In view of the same, without expressing any opinion on the merits of the case, it is made clear that any land of the private individuals cannot be acquired without following the provisions of the Land Acquisition Act.

The Writ Petition is disposed of with the aforesaid observation. No costs.

23-02-2006

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